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OFFICE OF PETITIONS

In re Application of :
Ronald W. Fechter, et. al. :
Application No. 10/665,789 : **ON PETITION**
Filed: September 18, 2003 :
Attorney Docket No. 03-143 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2006, to revive the above-identified application.


The application became abandoned for failure to reply in a timely manner to the Restriction and/or Election Requirement mailed June 28, 2005. A Notice of Abandonment was mailed on February 15, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of \$2,160 for a five (5) months extension of time filed on February 27, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$2,160 extension of time submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 3679.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions